P.7. 142-92

G. R. S. IX-5]

Previous references.

1891-92.
192
(L.K.)

File No 156

Serial Nos.

Later references.

Rev. Mis 716
66—55—6

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-4

Part B for October 92.

SUBJECT.

Appointment of Maruapa as patel of Indlavadi Village Anekal Taluk.

To The Deputy Commissioner, Bangalore District

3333 dt 30.8.92.
P.7 142-92. Directs that Maruapa hanma be registered as Patel of Indlavadi Village.

Indexed
Noted

WD 2233—GPB—20,000—11-6-20

Countersigned

Later reference Revenue : 66 of 05-06

1

(7)

Memo

1 Letter dated 7th June 92 No. 251 from the Deputy Comr, Bangalore.

Petition dated 11th June 92 from Marappa of Indalwadi, Anekal Taluk.

I propose to issue the following order on the reference made & dismiss the appeal

Order

Marappa's name may be registered as Patel, but he should not be allowed to enter upon his duties while his father is alive.

22/8/92

Hearing appears to be unnecessary

In July 90 Mr Anil Kar reported that Dase Gauda Patel of Indalwadi has omitted to remit to Govt Taluk Treasury Rs: 4/- odd being Cost of the Cattle Pound receipts for May 90. The Depty Comr (Mr: Abdul Rahiman) directed Mr Anil Kar to set the amount credited to report if the Patel's son was fit to do the work. In Dec 90 the Dy: Comr (Mr: Nasir-u-din) ordered that until the Patel's young son became fit & competent he should be appointed to do the Duties & that work should not be taken from the

Patel eldest son as
he admitted before his
Lordship of his
having made certain
corrections in the Cattle
Pound Register &c. One
Mucci Yappa has been
doing the work formerly
the younger son Narappa
represented to his present
Lordship that he was
able to do the work
himself & requested
that he might be allowed
to take up the work as
Patel.

On this application
the present Lordship solicits
orders observing —

(1) that his former
Patel Devi Sunda being
still alive, his appointment
of the Petitioner as Patel
would virtually amount
to restoring the former
to office

(2) that in case his
Lordship refuses to
appoint Petitioner it
would be cancelling
the former Dy Court
Order.

The Petitioner producing a copy
of the Dy Court's order of reference
prays that he may be appointed

V/

3/ Patel on his 3 following grounds —

(1). that his right has already been recognised by the former decisions.

(2) that the right of the family has not been forfeited

(3) that his appointment is not virtually the restoration of his father

(4) that his father was Patel for 13 years

(5) that he is able to discharge the duties independently

(6) that the Patels' Lands being in the enjoyment of the acting incumbent the Petn is just & convenient.

21/6/92

4/

Memo

Indian Head [illegible]

Council

for Orders

=

H
21/6/92

5/1

(General Serial No. 30.)

OFFICE OF T...
2010
8-JUN.92
P. 27
DEWAN OF ...

1892-93.

From The Dy Commissioner
Bangalore District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 7th June/92.

Despatched 8th

Received

Enclosures No. 2 fols

General No.

D No. 251

In reply to

SUBJECT

-Soliciting orders in re the appointment of Ballarappa, as Potel of Sudlavadi village Anekal Taluk, who is the younger son of the dismissed Potel.

—"—

References (to be entered only in the Dewan's Office).

To the same No. 3333
P. F. 14-92

Petn Granted Sent 8/6

A
9-6-92

Memo to the Council. with Memo. & Petn of Ballarappa.
21/6/92
M

L.R 156-92

D. O. No. 251 / 16

Encl. 2 files

By Commissioners Office.
Bangalore District.
Dated 7th June 1892.

To

The Chief Secretary to the Dewan
of Mysore.

Sir,

In forwarding herewith, the correspondence ending with Aurkal Taluk Amildar's report No. 151 dated 18th ultimo, I have the honor to state that Basappa, Patel of Gullanadi village, Aurkal Taluk, was dismissed from the Patelship on the 26th December 1890, for having misappropriated Government money and for other misconduct. The order of the dismissal refers to the eldest son of the dismissed man, as unfit for service, as he falsified certain accounts and calls on the Amildar to nominate a successor, until the younger Basappa, the petitioner becomes fit. In compliance with this order, one Channappa was nominated

and he was temporarily appointed for 6 months on the 3rd February 1891. He is still in Office. The petitioner, Marappa now represents that he is fit to hold the Office and prays that he may be appointed. In the Mysore Land Revenue Rules, Rule XLIII Section 1 Clause 11, it is prescribed that a village Servants' right cannot be confiscated to the detriment of his heirs, unless the Criminal act was done in the execution of his Office. The petitioner is the dismissed Irana's younger son, referred to in the above order. He now seeks to recover the Office. His father was not judicially tried and convicted, but he was dismissed for an act in the execution of his Office. If the son (petitioner) is appointed while the father is alive, it amounts virtually to the restoration of the latter. In the Madras Presidency heirs are not appointed under similar

circumstances during the life-time of the dismissed man. I think it is wrong in principle to appoint the heir, while the dismissed man is alive. It is also to be noted that the petitioners' family has no hereditary right to the Office, vide Mad. Reg. No. 2106 dated 26th December 1890. Mr. Nasiruddeen Sahib, however, as Deputy Commissioner recognized the rights of the petitioners and if declined to appoint him, it would amount to a cancelment of his Order, which I believe, following the procedure in Madras, is not open to me.

2 - Under these circumstances I solicit the orders of the Government.

I have the honor to be

Sir

Your Most Obedient Servant.

M Nasir Ali

for Deputy Commissioner

9

Jyt Bhuvia Br 9.6.92

Jyt Bhuvia Br 9.6.92

In the Court of the Councillors to His Highness the Maharaja of Mysore Bangalore

Precedin person Mark 14/6/92

Mark 14/6/92

Words & Sent

A.S No 45 92 93

This Rev appeal No 156 91-2

9-6-92

Appellant

Marappa, Son of Basaya Gowda residing in Indlawady Hobli Taluk

8437

14-6-92

The Appellant Marappa most respectfully begs to prefer this Appeal against the order 27/27th March 1892 of the Deputy Commissioner Bangalore District for the following reasons:—

Calling Book R. 18/6/92

I That the Deputy Commissioner erred in holding that the Petitioners family has no hereditary Right to the Potelship of the Indlawady Village.

II That in the year 1871 the officiating Deputy Commissioner after making proper enquiries into the relationship of the Appellant has recognized the right of the Petitioner and the Order of the present Deputy Commissioner is ultra vires as he has virtually Cancelled the Order of the former Deputy Commissioner in not recognizing the right of the Appellant.

III That neither the father nor the brother of the Appellant has been Convicted of any treasonable crime & thus the right of the Appellant family has not been forfeited to Government.

IV That the Deputy Commissioner erred in holding that the appointment of the Appellant to the Potelship of Indlawady is virtually the restoration of the Appellants father to the Potelship.

V That Mr T. P. Madhava Rau, the permanent Deputy Commissioner of Bangalore Examined the Appellant in the Canarese Language by giving him the Mysore Gazette to read and after the Appellant read

read it held that the Appellant passed the Kanarese Language -

VI That the Lower Court erred in not Considering that the Appellant is entitled to be appointed to the Potelship as the Appellants father's maternal Ancestors were discharging the duties of the Potelship of Sudlavady for many years.

VII That the Appellant father was the Potel of the said Village for more than 13 years and before that his maternal Ancestors were doing the duties of the said Office.

VIII That owing to certain alleged irregularities in the Collection of the Cattle Pound accounts Appellants father was dismissed — and the amount of the alleged misappropriation was remitted by the Appellants father.

IX That the Appellants right was recognized about 1½ years ago and the then Deputy Commissioner directed a Gumasta to be appointed in his place for 6 months till the Appellant learnt how to read and write the Canarese Language -

X That the Appellant is able enough to discharge the duties of the Potel independantly without the assistance of any one -

XI That as the lands attached to the Potelship have been in the enjoyment of the acting incumbent, Appellant and his family are put to great inconvenience on account of their means of livelihood as the whole produce of the said lands is taken away by Appellants Gumasta who does not give a single farthing for Appellants support

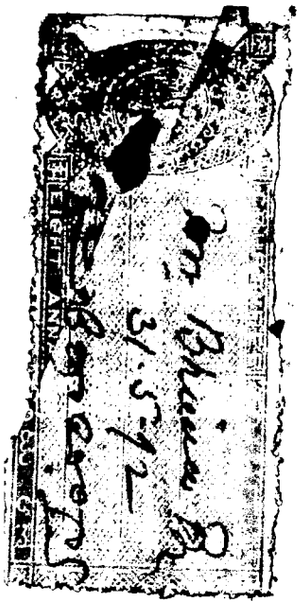
XII That, owing to famine, Appellant and his family are actually starving for want of their livelihood -

Appellant therefore prays that this Honorable Court will be pleased to appoint him as the Potel of the Sudlavady Village in reversal of the Deputy Commissioners Order -

Bangalore
Dt 11th June 92

Appellant

Mar. 1
21
Inbound Mail
Council with
Hydraulics 20: 25.
8. 7th June 92.
H
21/6/92



Copy of order passed by the deputy Commissioner, regarding the Postership of Inukwadj village Arctic Coast. (Petitioner Kilaraffia)

Order

The petitioner's petition, to be reinstated as Postmaster of Postership of Inukwadj on the 26th December 1890 for having misappropriated Government money and for other misconduct. The order of dismissal refers to the election of the dismissed Eskimo as unfit for service as he falsified certain accounts and calls on the Auiloks to nominate a successor "until the younger son, petitioner, becomes fit."

In compliance with this order one Ataungaska was nominated and he was temporarily appointed for six months on the 3rd February 1891. He is still in office. The petitioner now represents

represents that he is not to hold the office and prays that he may be appointed. In the Lands Revenue Rules XLIII, section 5, clause B, it is prescribed that a village servant [illegible] be confirmed to the satisfaction of his heirs unless [illegible] provided in the execution of the office." The petitioner's father was not judicially tried and convicted, but he was dismissed [illegible] from an [illegible] in the execution of his office, [illegible] has not been appointed, which is [illegible], it amounts virtually to his restoration to the village privileges which are not appointed under similar circumstances during the lifetime of the dismissed man. It is [illegible] principle to appoint the heirs [illegible] the dismissed man is alive. It is also the usual [illegible] that the

petitioner's family has a
salutary right in the office,
" dated 28th December 1890. "
Order No. 2106. All classification
should, however, be duly
observed recognizing the rights
of the petitioner and if I decline
to appoint him it will amount
to a cancelment of his order which
I believe, following the procedure
in Madras, is not open to me.
The matter will be referred to
Government for orders.

(signed) Mir Shujaat Ali
Deputy Tahsildar

27th May 1892.

Copy applied for 31.5.92
do ready for delivery 3.6.92
do delivered 4.6.92

"Copy.
Mir Shujaat Ali
Asst Commr

No. of words 310
Copyist's fees " — 6 — "
Compare's fees " — 1. 4
Total " — 7 — 4.

Compd
MA

15

(General Serial No. 70)

189 .

From

The Chief Secretary
to the Dewan of Mysore.

To

The Commissioner,
Bangalore Distt.

L.R 156-91-3

Dated 3 Aug 92

Despatched 3 Aug 92

Received 2 — 9 — 92

Enclosures No. 1 with one file of 2 leaves

General No. 3333

C&J No. 142-92

Directing that Marappa's name be registered as Patel of Indlawadi village, Kustagi Taluk.

References to be marked.

Read.

Letter, dated 7th June '92, No 1257, from the Dy Comr, Bangalore.

2. Ltr dated 11th June '92, from Amaldar of Indiwadi, Kal Taluk.

Order thereon. — Pet: F. 142-7

In July 90 the Amildar reported that Dasee Gowda, Patel of Indaiwadi, had omitted to remit to the Taluk Treasury Rs 4/- odd, being part of the Cattle Pound receipts for Mar 90. The Dy Comr (Mr Alban Pakman) directed the Amildar to get the amount credited, and to report if the Patel is one who is fit to do the work. In Dec 90, the Dy Comr (Mr Kavi ardin) ordered that until the Patel's younger son became fit, a competent person should be appointed to do the

~~3. Each Barrister joining that he may be appointed Official~~

17

4. Under these circumstances provided in the Letter read above Barrister's name may be registered as Pleader, but he should not be allowed to exercise upon his duties while he is father is alive.

draft.

Chief Secretary

Read Hon'ble Mr. J. Chalmers approval

Yes Sir: Inform Barrister concerned.

the duties, & that work should
not be taken from the said elder
son, as he admitted before the
Dy Comr of his having made
certain corrections in the Cattle
Pound Register &c. One Hanmanth
has been doing the work tem-
porarily. The younger son on
March 4th represented to the
present Dy Comr that he was
able to do the work himself
& requested that he might be
allowed to take up the work
as Patel.

2. On this application the
present Dy Comr solicits orders
observing —

(1). that the deceased Patel
Lacce Gouda being still in
debt, the appointment of
the Petr as Patel would in
virtually amount to restoring
the former to office.

(2). that in case the Dy Comr
refused to appoint Petr, it
would be cancelling the
former Dy Comr's order.

Letter reference Rs. 6½ of 92

A. S. No. 45.

19

L

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
3rd Aug 1892.

L R 15½-91-1

2-9-92

Endorsement granted to Ramappa, son of Vasee Gowda, residing in Chikmanglur, Sheikal Taluk,
in reply to his Petition Registered No. 543 dated 11th June 92.

Petitioner is informed that the D/Comm has been directed to reject his name as stated, and he (Petr) will not be allowed to enter upon his duties while his father is alive.

VL
29/8/92

"By Order,"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

Entd issued 2-9-92.